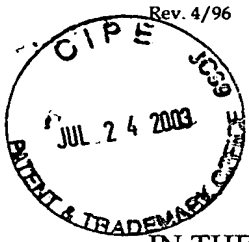


1636



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

MICHAEL G. BRAMUCCI ET. AL.

CASE NO.: CL1709 US NA

APPLICATION NO.: 10/007527

GROUP ART UNIT: 1636

FILED: DECEMBER 05, 2001

EXAMINER: KATCHEVES, K

FOR: RHODOCOCCLUS CLONING AND EXPRESSION VECTORS

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**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

By Office Action dated June 25, 2003 the above-referenced application has been made subject to a requirement to restrict. The Examiner has taken the position that the application contains twelve inventions. In relevant part the Examiner finds that claims 1,2 5, 17, 20, 22-25 and 34-38 (Group I), are drawn to the isolated nucleic acid of SEQ ID NO:1, and plasmid comprising said nucleic acid and transformed bacteria, classified in class 435, subclass 252.3.

Election of claims is required under 37 CFR 1.143.

Accordingly Applicants hereby elect Group I encompassing Claims 1,2 5, 17, 20, 22-25 and 34-38 without traverse.

Please cancel claims 3, 4, 6-16, 18-19, 21, 26-33, and 39-41 as drawn to a non-elected invention.

The above Election of Claims and cancellation of Claims does not alter the inventorship of the application.

Applicants reserve the right to file a divisional application to the non-elected matter. In making this election Applicants make no representations or admissions regarding the reasoning employed by the Examiner in support of the restriction.

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patent, P.O. Box 1450, Alexandria, VA 22313-1450, on this date. 7/22/03

Mary Beth Pitcher

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Should there be any fee due in connection with the filing of this Response To Restriction Requirement please charge such fee to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,



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Dated: July 21, 2003